IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3948 of 2007()

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(CRIME NO.244/07 OF MANJERI POLICE STATION)

: PETITIONERS/ACCUSED 2 TO 5

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1. N.K.SANOJ, AGED 32 YEARS,
S/O. N.A.KRISHNAN, NELPARAMBIL HOUSE,
ANACHAL KARA, KARUMALLOOR VILLAGE,
NORTH PARUR.

2. N.V.ABILASH, AGED 35 YEARS,
S/O. VELAYUDHAN, NELPARAMBIL HOUSE,
ANACHAL KARA, KARUMALLOOR VILLAGE, NORTH PARUR.

3. K.A.SANTHOSH @ KUNHIKANNAN,
AGED 28 YEARS, S/O. AYYAPPAN,
KAVALAMPARA HOUSE, MANAKKAPPADY, KARUMALLOOR
VILLAGE, NORTH PARUR.

4. K.M.PRASANTH, AGED 42 YEARS,
S/O. MURALIDHARAN, KOTTARAPATTU HOUSE,
MANGALAPARAMBA, MANAKKAPPADY, KARUMALLOOR VILLAGE,
NORTH PARUR.

BY ADV. SRI.B.PREMOD

RESPONDENTS: COMPLAINANT

THE CIRCLE INSPECTOR OF POLICE,
MANJERI, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.V.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3948 of 2007

Dated this the 29th day of June, 2007

ORDER

Application for regular bail. Petitioners are the accused 2 to 5 in a crime registered, inter alia under Section 398 IPC. The crux of the allegations against the petitioner is that the petitioners along with some others chased and attacked the defacto complainant who was proceeding on a motor cycle carrying a larger amount of cash with him. It is the case of the prosecution that the petitioners along with some other co-accused are operating clandestinely against the Hawala operators who carry money in vehicles. Assuming that the defacto complainant is one such person, he was attacked, though he was not one in that group. Crime was registered. Investigation is in progress. In the meantime, some other accused were arrested. The complicity of the petitioners was revealed. Later the petitioners were arrested in suspicious circumstances by the C.I.of Police, North Paravur on 21.05.07. The petitioners are included in Crime No.244/07 of Manjeri Police Station. The case was transferred to the Judicial First Class Magistrate Court, Manjeri. He was remanded till 3.6.2007.

2. The learned counsel for the petitioner prays that the petitioners who have remianed in custody from 21.5.07, may now be

enlarged on bail. The learned Public Prosecutor vehemently opposes the said prayer. The investigation is not complete and the entire facts are not clear yet. It is apprehended that the petitioners have nexus with many other identical crimes committed in the Malappuram District. Petitioners may not be enlarged on bail at this early stage of investigation. Police must be given sufficient time to complete the investigation in a case like the instant one, submits the learned Public Prosecutor.

3. I shall scrupulously avoid any expression of opinion on merits about the acceptability of the allegations and credibility of the data collected. Suffice it to say that, I find merit in the opposition of the learned Public Prosecutor. I agree that it is too early to consider the question of release of the petitioners on bail.

In these circumstances, this application is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this Court for bail again at a later stage of investigation- not, at any rate, prior to 11.7.07. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj